IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 3851 of 1999

For Approval and Signature:

HONOURABLE MR.JUSTICE M.R. SHAH

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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BAJRANG ELECTRICALS THROUGH PROPRIETOR - Petitioner(s)

Versus

AHMEDABAD MUNICIPAL COMMISSIONER & 1 - Respondent(s)

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Appearance :

MR PR NANAVATI for Petitioner(s) : 1,
RULE SERVED for Respondent(s) : 1 - 2.
MR YM THAKKAR for Respondent(s) : 1,

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CORAM : HONOURABLE MR.JUSTICE M.R. SHAH

Date : 13/01/2006

ORAL JUDGMENT

By way of this petition under Article 226 of the Constitution of India, the petitioner has prayed for an appropriate writ, order or direction directing the respondents to forthwith release the Maruti Van (White) bearing Registration No. GJ-1-RR-2616 and

also release the goods seized by the respondents namely 72 fans of Crompton Greaves Company forthwith on payment of octroi duty. While admitting the present Special Civil Application on 27.10.1999, this Court granted interim relief to the effect that as and when the petitioner produces receipt showing payment of octroi duty for Maruti Van in question bearing Registration No. GJ-1-RR-2616 the respondents shall release the same. Shri Nanavati, learned advocate appearing for the petitioner has submitted that pursuant to the interim order passed by this Court, octroi duty was paid and the Maruti Van in question came to be released. Therefore, nothing further is required to be done by this Court. However, this will not come in the way of the respondents if any criminal proceeding is filed for penalty and/or for any other purpose for evasion of octroi. So far as release of goods is concerned, Shri Nanavati has submitted that he has no further instructions with regard to goods and does not press for that relief and seeks liberty to initiate appropriate proceedings before appropriate authority. With these observations and direction, the present Special Civil Application is disposed of. Rule is discharged.

[M.R. Shah, J.]

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